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December 4, 2019

VIA ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street, Room 640
New York, New York 10007

Re: ***Tibor Kiss v. Clinton Green North, LLC, et al.***

WSHB Client: Judy Painting Corp.
Docket No.: 17-cv-10029 (LGS)

Dear Judge Schofield:

We represent defendant Judy Painting Corp. ("Judy") in the above-referenced matter and we are writing this letter to respectfully request that the Court sign the attached subpoena duces tecum for defendant to obtain certified copies of plaintiff's medical records. The subpoena shall be issued to New York – Presbyterian Hospital, where the plaintiff treated for his injuries immediately after the accident occurred and provided conflicting statements as to how the incident allegedly occurred. The plaintiff has already provided a HIPAA compliant authorization to obtain his records from the hospital.

Pursuant to the authorization, we previously served a subpoena duces tecum on New York – Presbyterian Hospital requesting that the hospital provide certified copies of plaintiff's medical records. However, the hospital declined to certify the plaintiff's medical records unless it received a court ordered subpoena. Attached hereto as **Exhibit "A"** is a copy of New York – Presbyterian Hospital's correspondence.

We respectfully request that the Court sign the attached subpoena so that the plaintiff's certified and authenticated medical records from New York – Presbyterian Hospital could be used in defendant Judy's opposition to plaintiff's expected motion for summary judgment on the New York Labor Law § 240(1) claim. Attached hereto as **Exhibit "B"** is a copy of the proposed subpoena and a redacted copy of plaintiff's authorization.

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Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

By: /s/ Bolam Kim
BOLAM KIM

BK:BK
Attachments

cc:

Via ECF

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